

CLAIMS

Prior to the Office Action, Claims 2, 3, 5-18, and 27-34 were pending in the application. Of those claims, Applicant's RESPONSE TO ELECTION/RESTRICTION REQUIREMENT (filed on or about July 3, 2006) withdrew ONLY Claims 8-18. Rather than being WITHDRAWN by Applicant's response, Claims 27-34 were properly ADDED in dependent form: each of those claims, directly or indirectly, depend from elected Claim 2. Accordingly, Applicant respectfully submits that Claims 2, 3, 5-7, and 27-34 are currently in condition for examination (and for allowance, as further explained below). Applicant respectfully submits that the Examiner was incorrect in making any indication to the contrary (see, for example, the top of page 2 of the most recent Office Action). Perhaps most importantly, Applicant respectfully submits that basic considerations of fairness and due process require the Examiner to address those Claims 27-34, and do so under a reissued FIRST (or otherwise Non-Final) Office Action (rather than a Final Office Action).

Said another way, based on the allowability of Claim 2 (as discussed below), all claims depending from that allowable claim 2 (including the aforementioned Claims 27-34) should likewise be allowable. Applicant thus intends the remarks herein to support that allowability (of Claim 2 and ALL of the other pending claims, including 27-34), and respectfully requests prompt notice of same.

CLAIM REJECTIONS

Claims 2, 3, and 5-7 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,037,626 issued to Roberts.

With all due respect, Roberts does not appear to disclose or make obvious ANY (or very few) of the elements claimed in Applicant's Claim 2. By way of example, Applicant's Claim 2 requires "a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe." Because the Examiner does not identify in the Office Action the specific features of Roberts asserted as teaching this (or any of the other) elements of Applicant's claim, Applicant is left to speculate based on Roberts' specification and drawings. In that regard, Roberts' only apparent teaching of a "corrugated" pipe is pipe 11. Those corrugations 11 have no "engagement" function at all. Instead, Roberts' corrugations 11 "slide over and provide crush resistance" to the actual joint/"engagement" of Roberts' patent (col. 1, l. 55-57; col. 2, l. 65-66). Thus, Roberts does NOT teach or suggest or otherwise make obvious Applicant's claimed "female engagement structure" formed from a sidewall corrugation pattern.

The same shortcomings exist in Roberts with respect to Applicant's claimed "male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe." No such "male engagement structure" formed from sidewall corrugation is taught or made obvious by Roberts.

Roberts' shortcomings become even more clear in connection with other of Applicant's Claim 2 limitations: the first female structure not only has to (1) receive the male structure, but also (2) grip the male structure with sufficient compressive force to "prevent its inadvertent removal from engagement with the first female structure." As noted above, nothing in Roberts teaches or makes obvious ANY engagement of structures formed from sidewall corrugation patterns.

Instead, the teaching of Roberts (as stated in the abstract, for example) is for a "pipe structure [that] includes an outer corrugated pipe, an inner smooth-walled liner, and joining means including a bell fitting at one end of the liner extending beyond the outer corrugated pipe and a spigot fitting at the other end." Thus, Roberts' "joining means" (its ENGAGEMENT structures) are something OTHER than the corrugated pipe 11.

Specifically, Roberts teaches that two such pipes may be temporarily joined or sealed by using an O-ring seal 16 (Fig. 4; col. 3, l. 4-10), or may be permanently joined ("engaged" with each other) by solvent welding seal 16 (Fig. 3; col. 3, l. 10-23). As indicated above, the pipe structure of Roberts is clearly defined as having an inner liner pipe and an outer corrugated pipe. As shown in Figure 3 of Roberts, the pipe joint of Roberts is formed by joining the bell fitting 13 at one end of a **inner liner** 10 with the spigot portion 14 at the other end of another **inner liner** 10. Thus, in comparing the present invention and Roberts, the Roberts joint method utilizes the **pipe liner** having a typical bell (male end) and spigot (female) to form a pipe joint by joining the opposite ends of the **liner** of two different pipes.

Although the present invention includes an inner liners, those liners of the two joined pipe sections simply butt together to form a continuous smooth inner-wall. In other words, the inner liner of the present invention is not the claimed engagement structure of the joint that connects two similarly formed pipe sections together (although in certain embodiments the liner could also provide or form some "engagement" between adjacent pipe sections, in addition to the engagement structures presently claimed in pending Claim 2).

The bell fitting of Roberts, referred to in the industry as the female end, is formed as part of Roberts' inner liner (not Roberts' corrugations 11). The inner liner bell of Roberts is sized and

shaped in a fixed configuration so that it overlaps the inner spigot of the adjacent adjoining inner liner pipe structure (rather than being sized and shaped to grip the adjacent pipe section).

In stark contrast to Roberts, the present invention teaches away from such a typical fixed configuration bell and spigot joint. The male and female members of the present invention are formed from the **outer corrugated wall** portion of the pipe structures. Roberts requires the inner liner wall pipe have a dedicated bell and spigot aspect to it, sized and shaped to fit over and slide into position to be "sealed" via an O-ring or welding sealant 16. Without that O-ring or welding sealant 16, Roberts' device would not even be "joined", at least not in any sealed manner. Although sealant can be used with various embodiments of the present invention, embodiments of Claim 2 provide engagement between adjacent pipes, which engagement is not dependent upon some separate "sealant" element 16.

As indicated above, the Roberts corrugations of the outer pipe at the spigot end are undercut so as to slide over and provide crush resistance to the joint that is formed when the spigot of one composite pipe section is inserted into and engaged with the bell of an adjacent composite pipe section. Roberts' corrugated portion 11 protects the inner liner bell and spigot joint. Clearly the corrugated pipe in Roberts is distinct, only protecting the joint formed by the bell and spigot of the inner liner.

EXAMINER'S WITHDRAW OF CLAIMS 27-34

As indicated above, Applicant respectfully disagrees with the Examiner's unauthorized, unilateral, and unsupportable withdrawal of Claims 27-34. In Applicant's previous response mailed June 29, 2006, Applicant specifically ADDED Claims 27-34 to depend directly or indirectly on the elected invention of independent Claim 2. As indicated in that previous

response, once independent Claim 2 is found allowable and assuming proper dependency on Claim2, Claims 27-34 should likewise be allowable. Accordingly, Applicant submits that the Examiner's withdrawal of Claims 27-34 was improper. Applicant respectfully requests reconsideration of the Examiner's withdrawal of Claims 27-34 and reinstatement of those claims in the next Office Action.

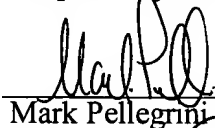
In view of the remarks set forth above, it is thought that the application is now in condition for allowance, notice whereof is respectfully requested of the Examiner.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the Applicant's representative at (949) 718-6750.

Date:

2/15/07

Respectfully submitted,



Mark Pellegrini
Reg. No. 50,233

J. Mark Holland & Associates,
a Professional Law Corporation
3 San Joaquin Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259

MAP:dw